

REMARKS

By this amendment, claim 31 has been amended, and claims 7, 13-18, and 22-26 have been canceled. Claims 31-34 were previously withdrawn by the Examiner. Applicant respectfully traverses, and submits that claims 31-34 are properly present in the application. Claims 2-6, 8-12, 19-21, and 31-35 remain for consideration in the application.

Election/Restrictions

Claims 31-34 were indicated as withdrawn for the following asserted reasons: The limitations in newly added claims 31 and 34 are drawn to non-elected species Group II, as identified in the restriction requirement mailed November 1, 2005. It should also be noted that the claims elected by original presentation for prosecution on the merits did not include a generic claim. Applicant disagrees and traverses. First, it is the claims as a whole that are to be examined, not simply the limitations appearing therein. Each of claims 31-34 is dependent on an allowed claim (2 or 19). Since the species were originally claimed, since claims 1 and 19 are clearly generic to claims 31-33 and 34 respectively, and since claims 31-34 are written in dependent form and include all the limitations of their generic claims, the claims are clearly entitled to be present in the application. 37 CFR 1.141 states in pertinent part:

(a) Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim.

The requirements of 37 CFR 1.141 are met by claims 31-34, and they are believed properly presented, and allowable.

Claim Rejections Under 35 U.S.C. § 102

Claim 7 was rejected under 35 U.S.C. § 102(b) as being anticipated by Linsalato et al. (U.S. Patent No. 3,907,037). Claim 7 has been canceled.

Allowable Subject Matter

Applicant thanks the Examiner for the allowance of claims 2-6, 8-12, 19-21 and 35.


CONCLUSION

In view of the above amendments and remarks, Applicant requests reconsideration of the withdrawal of claims 31-34, believes that all pending claims are in condition for allowance, and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

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